HONOURABLE SRI JUSTICE C.V. RAMULU

W.P. No. 10766 of 2005

DATED: 20-11-2006

Between:-

Ladigam Sailu s/o Sayanna, aged about 45 years, occ: Agriculture, R/o Damarancha village, Mandal Birpur, Nizamabad District.

...PETITIONER

And

The Government of Andhra Pradesh, Irrigation & CAD Department, represented by its Principal Secretary, Hyderabad and 3 others.

...RESPONDENTS

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O R D E R

It appears that for the purpose of conducting elections to Damarancha Water Users Association, Birpur village of Nizamabad District, an Election Officer i.e. Deputy Director of Agriculture, Nizamabad, was appointed. When the election process was going on purported to be on a representation made by the local M.L.A, G.O. Rt.No. 511, Irrigation & Command Area Development (General IV) Department, dated 24-4-2005, was issued staying conducting of elections to the Water Users Association, Damarancha. Aggrieved by the same, the present writ petition is filed.

The election is for the post of President and Vice President of Water Users Association. The President and Vice President are elected by the Territorial Constituency Members, but it seems the conducting of election was stayed purported to be while exercising the powers under the A.P. Farmers Management of Irrigation Systems Act, 1997. The reasons furnished are that there are certain discrepancies noticed in the voters list of Water Users Association and the same need to be rectified and, therefore, asked for stay of elections by the M.L.A. Further, the Collector, Nizamabad, was directed to verify the voters list of the above Water Users Association and submit a detailed report to the Government at an early date.

The election sought to be conducted is for the post of President and Vice President and not for the Territorial Constituency Members,

which requires if there is any discrepancies noticed in the voters list to be verified. In this case, the question of even verifying the voters list does not arise, since it is an indirect election of the President and Vice President of the Water Users Association by the Territorial Constituency Members. The reasons furnished in the G.O.Rt. No. 511, dated 24-4-2005, do not the scrutiny of law, even if such power is vested in the Government, for the purpose of postponing the elections.

In view of the same, the G.O. Rt.No. 511, Irrigation & Command Area Development (General IV) Department, dated 24-4-2005, is set aside and the Election Officer is directed to go ahead with the elections from the stage where it was stopped.

Accordingly, the writ petition is disposed of. No costs.

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C.V. RAMULU, J

Date: 20-11-2006
vp

Note:
Furnish CC of order
by 25-11-2006

(B/o)
vp